HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 27474 of 2005

Dated: 29-08-2007

Between:

G.Rajendranath Goud

..... PETIT

AND

The Commissioner,
Endowments Department,
Tilak Road, Hyderabad and another.

.....RESPONI

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 27474 of 2005

O R D E R:

This writ petition is filed for a writ of certiorari to call for records rel notice in Rc.No.A2/4923/2005 dated
09-12-2005 issued by respondent No.2 and to quash the same.

The petitioner who claims to be the hereditary trustee Venkateswaraswamy temple, Chikkadapalli received a notice dated 2005 whereby the petitioner was called upon to be present in the te hold enquiry into the alleged illegal action of the petitioner. In the said it was stated that the enquiry will be held on 03-12-2005 at 11.30 a.m temple premises.

In response to the said notice, the petitioner made a represe dated 26-11-2005 wherein he expressed surprise that respondent N not given any details in respect of the nature of the enquiry and the therefor. In the said representation, the petitioner requested responde to furnish all the details relating to the alleged illegal action mentione notice. It was further stated that without furnishing necessary details petitioner, the proposed enquiry would be wholly meaningless and fa furnish necessary details constitutes violation of principles of natural j Respondent No.2, having received the said representation, issued a notice to the petitioner in Rc.No.A2/4923/2005 dated 09-12-2005 whe informed that the proposed enquiry will be held on
16-12-2005 at 11.30 a.m. and that the petitioner shall be present in the on the said date and time. These two notices are assailed in the pres petition filed by the petitioner.

Heard Sri P.Yadagiri Rao, learned counsel for the petitioner.

There is no representation for the respondents and no counter a has been filed on their behalf.

Learned counsel for the petitioner submitted that the two notices ir an enquiry was proposed to be held are bereft of any material regarding the alleged illegal action into which respondent No.2 propc hold an enquiry. He further submitted that despite receipt of peti representation dated 26-11-2005, respondent No.2 has not furnish details whatsoever to the petitioner and without supplying any materia petitioner he sought to proceed with the enquiry, albeit, on a differen The learned counsel contended that this action of the respondents is r arbitrary, but in violation of the principles of natural justice.

On a reading of the notice dated 17-11-2005, in the subject of the is mentioned as under:

> "Sub: Endowments Department – Vigilance – Sri Venkateswara Swamy Temple –Chikkadpally – Hyderabad – Illegal action by Sri G.Rajendranath Goud – Trustee – Enquiry Notice issued."

In the representation made by the petitioner he made an uneq request to respondent No.2 to furnish details about the nature of the illegal action into which the enquiry was proposed to be held. Resp No.2 in his subsequent notice dated 09-12-2005 made a reference petitioner's representation at reference No.3, but he has not dealt w same in the notice and no further communication appears to have bee to the petitioner in response to the said representation.

Neither of the two notices refers to the nature of the alleged illega into which respondent No.2 is seeking to hold enquiry. Though t petition has been pending for the last 1 ½ years, respondent No.2 h even filed a counter affidavit explaining the circumstances under whic seeking to hold the enquiry.

Apart from the respondent No.2 failing to disclose the nature allegations into which he is seeking to hold the enquiry his conduc seeking to justify his action assailed in this writ petition by way of any affidavit, clearly prove that the action of respondent No.2 is de transparency and fairness. It is fairly well settled that a person is en

know the grounds on which an enquiry is sought to be held against hin public authority cannot deny him of this opportunity.

For the aforementioned reasons, the writ petition is allowed a impugned notice is set aside. No costs.

C.V.NAGARJUNA RE

Date: 29-08-2007
KLP